

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT MAURICIO PENATE,

Plaintiff,

v.

R. BURTON,

Defendant.

Case No. 2:22-cv-00329-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On July 1, 2022, I screened plaintiff's complaint, notified him that it failed to state a claim, and gave him thirty days to file an amended complaint. ECF No. 6. I also warned him that failure to comply with the July 1 order could result in dismissal of this action. *Id.* at 3. Plaintiff did not file an amended complaint. Accordingly, on August 11, 2022, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 7. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended complaint. I also warned him that failure to comply with the order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the August 11, 2022 order. Accordingly, it is hereby ORDERED that that the Clerk of Court shall randomly assign a United States District Judge to this case.

Further, it is hereby RECOMMENDED that:

1 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
2 and failure to state a claim, for the reasons set forth in the July 1, 2022 order.

3 2. The Clerk of Court be directed to close the case.

4 I submit these findings and recommendations to the district judge under 28 U.S.C.
5 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
6 Eastern District of California. The parties may, within 14 days of the service of the findings and
7 recommendations, file written objections to the findings and recommendations with the court.
8 Such objections should be captioned “Objections to Magistrate Judge’s Findings and
9 Recommendations.” The district judge will review the findings and recommendations under 28
10 U.S.C. § 636(b)(1)(C).

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12 IT IS SO ORDERED.

13 Dated: October 4, 2022

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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